

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED

06 MAR 20 PM 4: 26

CLERK OF COURT

SONJA LUJAN,
and RONALD AHLIN,

Plaintiffs,

No. CIV 04-0057 RB/RLP

DR HORTON, INC.,

Defendant.

**DEFENDANT DR HORTON, INC.'S PROPOSED FINDINGS AND
CONCLUSIONS REGARDING PLAINTIFFS' CLAIM FOR FRONT PAY**

Respectfully submitted,

LANDRY & LUDEWIG, L.L.P.

Margaret C. Ludewig
Stephanie Landry
1007 Marquette Ave., NW
Albuquerque, NM 87102
(505) 243-6100

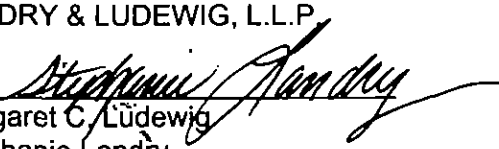
ATTORNEYS FOR DR HORTON, INC.

FINDING: The Court finds that it would not be equitable to award either Plaintiff front pay under the ADEA as the Plaintiffs have proffered no calculations of front pay based on any pattern of past commissions paid and neither has proffered any expert testimony regarding front-pay or the Plaintiffs' health, expected work-life, life expectancy, the period within which the Plaintiffs' by reasonable efforts should be reemployed, relevant market conditions, foreseeable layoffs, discount rates or other evidence to determine the present value of future damages.

CONCLUSION: Neither Plaintiff is entitled to an award of front pay.

Respectfully submitted,

LANDRY & LUDEWIG, L.L.P.


Margaret C. Ludewig
Stephanie Landry
1007 Marquette Ave., NW
Albuquerque, NM 87102
(505) 243-6100
ATTORNEYS FOR DR HORTON, INC.

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was hand-delivered to opposing counsel of record on March 20, 2006 as follows:

J. Douglas Foster
Foster & Rieder, P.C.
40 First Plaza NW #735N
Albuquerque, NM 87102


Stephanie Landry